

U.S.A. vs **EFRAIN HERNANDEZ**

No. 08CR1324-BEN

The Court finds excludable delay, under the section indicated by check (☒),
commenced on May 22, 2008 and ended on 8/4/08; ()
_____ and ended on _____. ()

- 3161(h)
☐ (1) (A) Exam or hrg for **mental or physical incapacity**
☐ (1) (B) **NARA examination** (28:2902)
☐ (1) (D) State or Federal trials or **other charges pending**
☐ (1) (E) **Interlocutory appeals**
☐ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
☐ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
☐ (1) (J) **Proceedings under advisement** not to exceed thirty days
____ Misc proc: Parole or prob rev, deportation, **extradition**
☒ (1) (H) **Transportation** from another district or to/from examination
or hospitalization in ten days or less
☒ (1) (I) Consideration by Court of **proposed plea agreement**
____ (2) **Prosecution deferred** by mutual agreement
____ (3) (A) (B) **Unavailability of defendant or essential witness**
____ (4) Period of **mental or physical incompetence** of defendant to
stand trial
____ (5) Period of **NARA commitment or treatment**
____ (6) **Superseding indictment and/or new charges**
____ (7) **Defendant awaiting trial of co-defendant** when no severance
has been granted
____ (8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than
one of the reasons below are given in support of continuance
____ (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding
would result in a **miscarriage of justice** and
the ends of justice outweigh the best interest
of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)
2) Failure to grant a **continuance** of the trial would result in
a miscarriage of justice as the defendant has tendered a
guilty plea to a magistrate judge and is awaiting a
determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)
____ (8) (B) (ii) 2) **Case unusual or complex**
____ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days
____ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel,
or give reasonable time to prepare
(Continuance re counsel)
____ 3161(I) Time up to **withdrawal of guilty plea**
____ 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 5/22/08

Judge's Initials

A
B
C
D
E
F
G
H
6
7
I
M
N
O
P
R
T
T1

T2
T3
T4

U
W